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PLEASE REPLY TO ROSELAND, N.J.

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March 10, 2011

**Via Electronic Case Filing**

Honorable Magistrate Judge Marilyn D. Go.  
United States Courthouse  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Bary v. Delta Air Lines, Inc.**  
**Docket No. 02 CV 5202**  
**Our File No. 12160/100989**

Dear Judge Go:

We represent the defendant, Delta Air Lines, Inc. ("Delta"), in the above referenced matter and write here in response to the letter from plaintiff's counsel dealing with post-trial submissions. Mr. Chaubey's request that the Court disregard Delta's post-trial Memorandum of Law is baseless, as the Court instructed the parties twice that all post-trial submissions were due by March 4, 2011.

The first time the March 4<sup>th</sup> deadline was mentioned was in fact at trial (see page 501, line 25 of Trial Transcript dated February 4, 2011), memorialized in Document number 116 on the Court's docket. On February 10, 2011, the parties were reminded of the deadline by an ECF notice, which again stated that all post-trial submissions were due by March 4, 2011.

Delta's submission was therefore fully compliant with the instructions provided and not prejudicial to plaintiff in any regard, who had the very same opportunity to file his own post-trial submission should he have chosen to do so.

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It is respectfully requested that the Court disregard plaintiff's counsel's letter request for the reasons set forth above.

Your Honor's attention to this matter is greatly appreciated.

Respectfully,



Michael Bojbasa

MB/

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